

STRAIGHT LINE

Getting out of the extra-judicial mode

Legalising black money

Does it serve the greater good?

THE debate over allowing or disallowing of whitening of undisclosed sums of money is a strong one. The proposed provision for legalising moneys that is off the books envisages a payment of a flat penalty @10 percent. This facility of making black money white is likely to take effect in the next fiscal despite strong reservations of the various bodies representing the business community. The reasons for such opposition are obvious.

On the one hand the government is pressing ahead with widening the tax net and encouraging people and commercial entities to pay what is due to deepen the State's coffers; simultaneously it is extending the scope for legalising income generated illegally. The latest move is bound to send mixed signals to those who remain outside the tax brackets for it smells of double standards. Furthermore, how exactly does the government intend to legalise ill-gotten money when it is signatory to international anti-money laundering statutes remains to be seen. The fact that such undisclosed sums are commonly associated with corruption, crime or other illegal activities is not lost on anyone. More importantly, granting of such facility year after year encourages, even the otherwise honest tax payer to reconsider paying taxes. When one may 'whiten' one's money at a flat rate of 10 percent as opposed to the multi-layered tax slabs that exist under the tax laws, does it not make more sense to go with the latter?

Despite the government's plea that black-money-turned-white could potentially help rebound the subdued stock market, the fact remains is that untaxed money is simply impossible to control. So long as we don't find an antidote to the temptation to retain black money, we won't be able to control its black money. The lure of it stems from the fact that it can be used in various ways including in politics and influence peddling to obtain 'favours'. It is possible that vested and powerful lobbies are pressurising to allow for such facility to be given, but taking into consideration the ills that far outweigh the benefits, it is imperative to take stock of such a move.

Aspirant workers deported from Libya

Address the problem at its root

HUNDREDS of Bangladeshi workers seeking entry into Libya are either being detained on arrival at the airport or sent back. In-between a trickle is being left off the hook. The reason for such actions on the part of the Libyan authorities is alleged traveling by workers with fake visa. Obviously, so many aspirant workers would not have undertaken the journey on the basis of fraudulent papers either, knowingly or unknowingly. Imagine, their plight and hardship in confinement and then to be unceremoniously herded on to the plane back home!

We have it on the authority of the officials and even top hat of the expatriate workers welfare ministry that for no fault at our end intending workers are having to face such an ordeal. Surely the matter should not be taken at its face value. It would have to be investigated in both Bangladesh and Libya to get to the bottom of the scandal.

The visas have been issued by the Libyan Embassy in Dhaka. Hence, it is for them to explain why the documents are not acceptable at the Libyan airports. Currently, there is no ambassador at the post but that shouldn't have precluded obtaining a satisfactory explanation from the embassy about the issuance of so many visas bouncing back.

We suspect wrongdoing or lapses at three levels: First, some racket may be working to procure fake visas for overly eager workers; second, the embassy may have become vulnerable to approaches by unwanted persons; and third, visas are being issued at random and in excess of the actual and verifiable demand for employment in Libya.

Whichever may be the case, the expatriate ministry and our embassy in Libya must energetically take up the issue with the authorities in Tripoli. Who is going to pay the money being lost through the process? Merely enquiring with the immigration at the Libyan airports could not solve the problem; the bull will have to be taken by its horns in its arena. Why Libya, one of the favourite destinations for our workers, should suddenly be so unwelcoming and be resorting to sweeping deportation



MUHAMMAD NURUL HUDA

Whether or not the rights body notices the salutary improvement in the regulatory arena, the responsibility of those that oversee the performance of security organs in the country does not recede to the background. Indeed it is time to strike out the scourge of extra-judicial deaths for good. For that to happen it is necessary to look into the cause of such aberration and accordingly prescribe the antidotes in the interest of a healthy polity. The question is, are we trying to treat the symptoms without going into the roots of the disease? Are we failing to notice the aberrations that have crept into the crime management system and eulogising patently illegal practices out of myopia and misplaced exuberance? Is it also time to examine if we have failed to see the difference between vigilante action and protective acts of a civilised government? A study the malady of extra-judicial killing would reveal that otherwise sensible public leaders have often appreciated the usefulness of such killings by decrying the failure of the criminal justice system to punish the inveterate criminals.

The dilemma of our socio-political existence is brought home by the reality that while those wishing to see the effective writ of the rule of law are continuously pointing to the untenability of extra-judicial deaths as an acceptable socio-legal response, there is no dearth of supporters or admirers of such an apparently abominable method. Random eliciting of opinions by newspapers has shown that a large majority of people entertain the view that the deplorable slide in crime and order situation can gradually be stalled by resorting to extra-judicial killings. It is time, therefore, to do some serious introspection and find out as to how have we arrived at such a lugubrious scenario? The seriousness of the matter is warranted by the fact that if extra-judicial killings succeed in even implicitly acquiring the seal of approval then there remains no justification for maintaining and supporting a justice system at public

expense. The question is, how low shall we stoop and offend the democratic sensibilities? Shall not our present predicament compel us to examine and find out if the working of various institutions in the criminal justice system were interfered with and not allowed to do their due? Such premonition cannot be summarily dismissed in our situation where crime, criminality and criminals could not be dealt with in an objective and professional manner.

It is not too late as yet if we decide to set our house in order and behave as a civilised society. For that to happen the responsible persons in the corridors of power have to exercise due diligence and act earnestly to uphold the rule of law. That is not a tall order.

The reality on ground is that there exist very serious penalties for extra-judicial killings that are at times cold-blooded and pre-meditated murder. The authority has time and again pointed to the serious dereliction that is associated with the highly objectionable extra-judicial killings. The government has sternly warned that no extra-judicial killing would be tolerated and violators would face dire consequences. The outcome has not, however, been as desirable as hoped.

The question is, do we want sustained laborious action under the law to strengthen our democratic foundation or do we need rash desperate action without the cover of law? The extra-judicial killings, undoubtedly, do not fit in with the first proposition. We need to be absolutely clear about that. When extra-judicial

demands mainstream support from the system. The fact of the matter is that when investigative skills entailing unbiased efforts emerge consequent upon a strong political direction, there would not be any need to resort to extra-legal measures. In such an atmosphere, information and intelligence would come voluntarily to the benefit of victims of crime. We must, therefore, strive to create an environment where the blight of extra-judicial killings would be blissfully absent. The rule of law and criminal jurisprudence may appear to be unequivocally in favour of the offenders, the criminals, the law-breakers, the accused persons. That does not automatically give a license to resort to illegal measures because a civilised government must earnestly strive to demonstrate that law-enforcement effectiveness and civil liberties can co-exist in a society governed by the rule of law. We need to get out of the extra-judicial mindset. It needs to be impressed once again that the practice of breaking the law in the name of law enforcement is totally unacceptable and intolerable and has no place in a democratic society governed by the rule of law. It is objectionable because it is arbitrary as a process and random in its effects. A democratic polity venturing to maintain order by repression and criminality is actually creating ultimate disorder because in so doing it creates a link between social order and atrocities. Law enforcement is a field of activity in which interaction between the world of the powerful and the world of the powerless are manifested. Hence, we have to ensure that law enforcement emphasises principles of purpose and principles of values. We must come out of the degrading thought that those who cannot be taken care of within the ambit of law have to be dealt with beyond the law.

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deaths occur some myopic elements may be satisfied but a civilised society which wishes to live by the canons of law cannot but be concerned. Such deaths in an abnormal situation are forestalling the benefits of thorough investigation wherefrom the citizens could have known the compelling factors behind the growth and maturing of criminals, the shady role of the patrons and the alleged inertia of the regulatory units. What we need is adequate provision of witness protection and victim support in the criminal justice administration. To make those effective we need large injection of governmental funds. Any further delay will only swell the ranks of summary-justice seekers and the admirers of vigilante action. The adversity of the victims of crime

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The writer is a columnist of *The Daily Star*.

Shrinking global economy and South Asia

C.S. SUNDARESAN

WHEN the European central bank offered open-ended credit line to the European banks a few months ago, everyone thought that the rescue package from Frankfurt would take the continent out of its recessionary inflection. It, however, didn't yield the desired outcome, rather Spain faced problems with its economy. To be more precise, the global economy is not recovering from the recessionary pressures. This is causing much panic in the third world because of its trade driven growth and development outcomes, as globalisation has made these economies more dependent on the developed ones, and what happens in the developed world has direct impact on the less developed countries. Recovery from the global economic crisis is threatened by the intensifying strains in the euro area and fragility elsewhere in the world.

Globalisation had almost woken South Asia (SA) from its sound economic slumber two decades ago. Between 1981 and 1991, the region has seen the heights of its global orientation of trade and economies for impressive macro-economic performances -- mainly by linking with global economic and trade networks. As of 2009, the region accounted for 23% of the world population, 3.5% of the World GDP and 5% of the world trade in goods and services. This definitely was a significant achievement in a supply constrained region.

There are observations in this context that the production systems in South Asia are more fragmented than what they used to be in the 1980s. The recurring recessions in the global economy and the slowdown in the recent past have medium and long run implications. Assessing the nature and extent of these implications and identifying alternatives can perhaps retain the economic trend the member countries have set in the region.

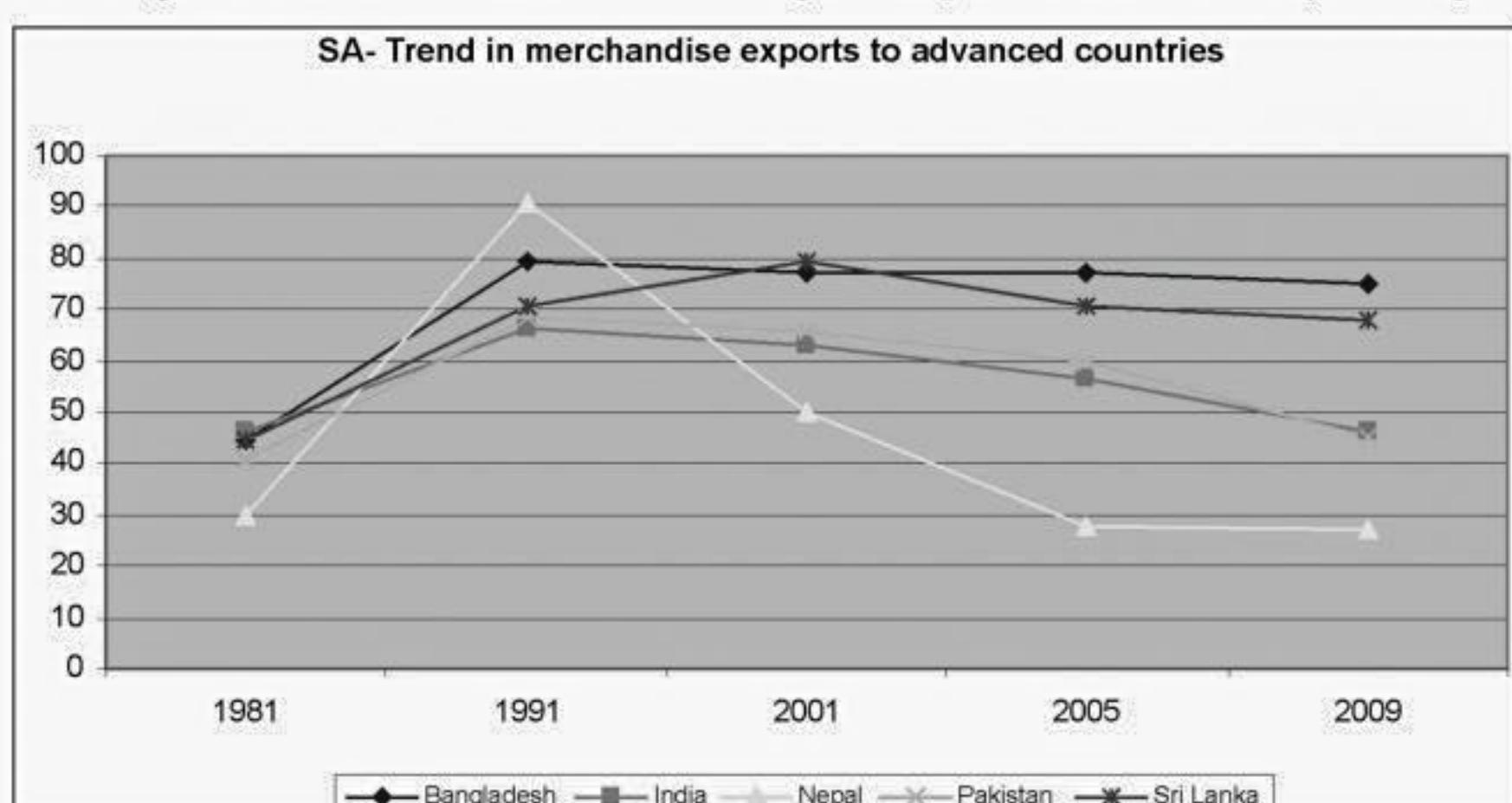
One needs to remember that the recurring global economic meltdowns

have aroused a growing anti-globalisation sentiment among the people in less developed regions. From an economic point of view export-led growth prospects are getting into the doubt zone. From the political angle, the proponents of global orientation face the threat of rejection.

With the increased integration of South Asian economies (particularly financial markets) with the rest of the world (ROW), the downside risks the region potentially faces are perceived to be high. For instance, the accelera-

tion of merchandise exports to advanced countries has put the region under pressure to identify alternatives to remain in a forward moving paradigm. The declining share of merchandise exports to advanced economies (as depicted in the chart) has been implicated mainly on a decline in trade openness and a fall in the business confidence index followed by internal constraints like rising inflation, weak domestic currencies and increasing deficits.

Countries like Bangladesh and Sri Lanka have almost two-thirds of there



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the Gold Standard. The equivalent move in the current context for EU members would be to abolish the Euro and restore the respective national currencies. However, the question is, will the less developed countries be able to move away from the market-oriented production system to a subsistence economy and maintain the growth and development trickle downs? This seems inconceivable. If that is true then let's see the facts and think of the way forward.

World trade expanded by 5% in 2011. This is a sharp drop from the

2010 rate of 13.8%. WTO economists have cautioned that the trade forecast for 2012 is difficult to gauge due to the extraordinary levels of volatility in financial markets. While developed economies exceeded the expectations of export growth of 4.7% in 2011, developing countries performed worse. The outlook for the world trade has been darkened by the EU crisis and is threatening to undermine global growth in the coming years. Therefore, there may be a slowdown in global merchandise trade volume growth of 3.7% in 2012, with a share 2.1% in developed countries and 5.6% in developing ones.

The present trade forecasts assume global export growth of 2.1% in 2012 at market exchange rates, down from 2.4% in 2011. There remain downside risks for growth that could have negative consequences including steeper than expected downturn in Europe, financial contagion related to sovereign debt crisis, rapidly rising oil prices and the geo-political risks.

To substantiate the scope of these, recent production data suggest that the European Union is already under deep recessionary influence and even China's economy is growing more slowly in 2012. Given the weak market prospects, fiscal consolidation and monetary policies have to play the dominant roles in enabling growth in both developed and developing countries. In this context, targeted programmes are expected to ease credit constraints at business and household levels. The inference in this regard for the developing world has been that, in the short term, focus could be on moderating domestic demand while dealing with the volatile capital flows. South Asian economies need to evolve conducive and prudent economic management tools to sustain the region's growth momentum in a shrinking global economy.

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The writer holds the Ford Foundation Chair at AKRSP-India and is a visiting Professor in the School of Rural Management at KIIT University. Views expressed are personal.

THIS DAY IN HISTORY

June 2

- 1848** The Slavic congress in Prague begins.
- 1946** Birth of the Italian Republic: In a referendum, Italians vote to turn Italy from a monarchy into a Republic. After the referendum the king of Italy Umberto II di Savoia is exiled.
- 1953** The coronation of Queen Elizabeth II, who is crowned Queen of the United Kingdom, Canada, Australia, New Zealand and Her Other Realms and Territories & Head of the Commonwealth, the first major international event to be televised.
- 1955** The USSR and Yugoslavia sign the Belgrade declaration and thus normalize relations between both countries, discontinued since 1948.